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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,683

05/22/2004

Johan Ockborn

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65858

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07/21/2009

NOVAK DRUCE AND QUIGG LLP (Volvo)

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HOUSTON, TX 77002

EXAMINER

AFZAL, SARANG

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,683

Applicant(s)

OCKBORN ET AL.

Examiner

SARANG AFZALI

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/1/2009 and RCE filed 12/28/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **12/28/2007** has been entered.

Election/Restrictions

2. Applicant's election with traverse of Group I, method claims 16-23 and election of Species A and C without traverse in the reply filed on **5/1/2009** is acknowledged. The traversal is on the ground(s) that the product claim 24 is effectively dependent on the method claims since it specifically requires the stator or rotor component to be made according to the steps recited in claims 16, 18, 20 or 22. This is not found persuasive because "Even though product-by-process claims are limited by and defined by the process determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)."

As such, claims 16 and 17 are being examined. Claims 18-24 are withdrawn from further prosecution directed to non-elected invention and species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Frasier et al. (US 5,609,471).

As applied to claims 16 & 17, Frasier et al. teach a method for manufacturing a stator or rotor component, comprising:

providing a disk-shaped member comprising a hub (17, Figs. 4 & 5) and a plurality of blades (blade attachment lugs 22 including outer surface 28, Figs. 4 & 5) extending radially outwardly from said hub, wherein free end surfaces of the blades are inclined at an acute, non-zero angle relative to an axial axis of the disk-shaped member (paragraph bridging cols. 4 & 5);

providing a continuous ring-shaped cover member (26, Figs. 4 & 5), wherein an inner surface (surfaces of the plurality of nest 29, Figs. 5-6) of said cover member is inclined at an acute, non-zero angle relative to an axial axis of the cover member (col. 5,

lines 41-44) corresponding to the acute, non-zero angle of the free end surfaces of the blades (outer surfaces 28 of blade attachment lugs 22);

providing a joining material on at least one of the free end surfaces of the blades and the inner surface of the cover member (it is inherent that a brazing material is used as joining material in the brazing step, col. 6, lines 26-27);

moving the disk-shaped member and the cover member axially toward each other until the angled free end surfaces of the blades and the angled inner surface of the cover member almost contact each other so as to form a butt joint with said joining material sandwiched therebetween (col. 5, lines 32-34);

heat-treating the joining material until it forms a melt (brazing heat); and

causing or allowing the joining material melt to solidify so as to join the blades to the cover member (col. 5, lines 34-36).

Note that Frasier et al. teach that the ring-shaped cover member (26) is joined (brazed) to the blades (blade attachment lugs 22) and considering the broadest reasonable claim interpretation, the limitation of claim 16 does not preclude the removal of this cover member (26) from the assembly at a later stage of fabrication.

As applied to claim 17, Frasier et al. teach a method for manufacturing a stator or rotor component, further comprising applying pressure to said disk-shaped member and said cover member, acting in an axial direction, during said heat-treating so as to force said disk-shaped member and said cover member toward each other. Frasier et

al. teach that the force to slip the cover member (26) over the blade (blade attachment lugs 22) and hub (17) is acted in an axial direction (Fig. 4).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARANG AFZALI whose telephone number is (571)272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarang Afzali/
Examiner, Art Unit 3726
7/20/2009

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726